

# Regulation Rummy

Learn about the Federal Regulations that protect Wetlands throughout the United States by playing a game of Rummy.

Materials Needed: Packs of 3 x 5-inch cards to make deck(s) of Regulation Rummy playing cards. Deck includes regulation cards, clue cards (which describe each regulation), scenario cards (project or activity description), and violation Cards. Make several decks if the size of your class requires it.

Copies of the Regulation Rummy Scenario Answer Sheet

Copies of the Regulation Review

Reference Materials

## Directions

1. Review the regulations (Page 3) in enough detail to get a thorough understanding of each. It is important to remember the key provision of each regulation.
2. Follow the Instructions for Making Regulation Rummy Cards.
3. The deck consists of regulation, clue, scenario, and violation cards. One student serves as the scorekeeper/dealer, and refers to a copy of the Answer Sheet throughout the game. All others are dealt the regulation cards (the entire deck). The dealer makes separate stacks of the clue, scenario, and violation cards.
4. The starting player draws a scenario card from the stack. If the player can match a regulation that would apply to the given scenario, the pair is laid down in front of the other players and the player draws another scenario card. ("No Regulation" cards match scenarios that do not require regulation.) Several regulations may apply to a given scenario; however, only one regulation applicable to that scenario is needed to make a match. This continues until 1) the player can no longer match scenarios to regulations or 2) three matches have been made.
5. If a player would like a clue to help match scenarios to a regulation, he or she can draw from the clue card stack. If the clue card does not help, the player may keep it for help later. If this is done, he or she cannot pick a scenario card until the next round.

6. If a player lays down an incorrect match, and the mismatch is identified by other members of the group, the player must draw a violation card. The scorekeeper checks to be sure the match is incorrect. The incorrect match must be identified before the next player takes his or her turn. If a player declares a match incorrect when, in fact, it is correct, he or she receives a violation card.
7. Each scenario/regulation match is worth ten points, and each violation card is worth minus ten points. At the end of the game, the scorekeeper should point out any incorrect matches that may have been overlooked.
8. The student with the most points wins. *Note:* There may be other nonwetland-related regulations that apply to each scenario. These are not discussed as part of this activity.
9. Example: A city wants to use federal funds to construct an airport within coastal zone management area. This would affect a tidal wetland. The following regulations would apply: Rivers and Harbors Act, Clean Water Act, Coastal Zone Management Act, NEPA, Executive Orders 11988 and 11990, and other federal, state, and local regulation not discussed. If a wildlife study found a bald eagle nest on the property, the Endangered Species Act Would Also Apply.

# Regulation Review

To become acquainted with wetlands regulations, review the following sheets.

## Regulation Review

There are many fascinating aspects to each of the laws listed below. You may want to study the details further (ask your teacher for some resources). This list includes only the basic facts you will need to play Regulation Rummy.

**1. Clean Water Act (CWA), Sections 401 and 402.** This act began as the Federal Water Pollution Control Act and was amended in 1972 to become the Clean Water Act. It was passed in response to the deterioration of surface waters in the United States. It set up a national system of federal-state cooperation to regulate pollution, and is administered by the Environmental Protection Agency and state agencies.

*Section 401* of the Act requires that states review and certify any federal permit or license that may result in pollution discharges into surface waters and wetlands under state jurisdiction. This means federal permits such as those for filling wetlands, licensing hydropower plants, or discharging pollution into water may be vetoed by a state if the federal action is not consistent with state water-quality requirements. This is called Water Quality Certification.

*Section 402* of the Act established a permit system known as the National Pollutant Elimination Discharge System (NPDES). These permits are required for any discharge of pollutants from a point source (such as a pipe, well, or ditch) into navigable waters.

The Environmental Protection Agency, or an approved state program, is authorized to issue these permits to industrial, municipal, or other point source discharges.

**2. Clean Water Act, Section 404.** This section governs the dredging and filling of wetlands. It requires permits from the U.S. Army Corps of Engineers for any discharge of dredged-and-fill materials into waters (including wetlands) of the United States. Dam, bridge, road, and many other construction-related discharges are regulated; normal farming, forestry, and ranching discharges are exempt.

**3. National Environmental Policy Act (NEPA).** NEPA imposes environmental responsibilities on all agencies of the federal government. Specifically, it requires that federal agencies prepare environmental impact statements (EIS) on major federal actions that significantly affect the quality of the environment. These actions include construction projects, permits, and licenses that are issued by the federal government. The preparation of an EIS is a costly and lengthy process that requires thorough review and comment by the public and various agencies. The Environmental Protection Agency is required to review and comment on all environmental impact statements.

**4. Executive Order 11990 (Protection of Wetlands).** Issued by President Jimmy Carter in 1977, this executive order requires federal agencies to take action to

minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands on federal lands.

**5. Rivers and Harbors Act.** Enacted way back in 1899, this act establishes the U.S. Army Corps of Engineers' authority to prohibit discharge of solids or construction into tidal and navigable, and adjacent, waters. (Navigable streams are considered to be any blue line stream on a U.S. Geological Survey map, or usually anything with a flow greater than 3 cubic feet per second.) When the Corps was given jurisdiction over Section 404 of the Clean Water Act (which regulates dredging and filling in wetlands), the Rivers and Harbors Act was not repealed; it is still used as an additional remedy against polluters, such as those who spill oil or other hazardous materials.

**6. Food Securities Act of 1985 ("Swampbuster" provisions).** Normal agricultural and silvicultural (forest-related practices) dredged-and-fill discharges were exempted from the Clean Water Act Section 404 permit requirements. Furthermore, federal subsidies to farmers actually encouraged the draining of wetlands for agricultural projects. To alleviate this problem, the Food Securities Act of 1985 denied federal subsidies for conversion of wetlands to agricultural uses after December, 1985. Through provisions of the Act, the Natural Resources Conservation Service now helps farmers identify wetlands on their farms.

## Regulation Review (continued)

**7. Executive Order 11988 (Floodplain Protection).** Issued by President Jimmy Carter in 1977, this executive order establishes a policy for protection of floodplains that requires agencies to avoid activities in floodplains whenever possible. Federal floodplain policy now calls for the protection of the natural and beneficial functions of floodplains (including wetlands), in addition to protecting public safety and property. The National Flood Insurance Program, administered by the Federal Emergency Management Agency, offers communities advantageous insurance rates if they exceed minimum federal standards for open-space preservation on floodplains.

**8. Coastal Zone Management Act.** Passed in 1972, this Act requires that coastal states set up coastal zoning regulations. The federal government was concerned that coastal areas would become degraded due to increased population and resultant water quality issues. For federal approval, state CZM plans must demonstrate that they provide standards for the protection of coastal resources, including coastal and non-coastal tidal wetlands. CZM programs, therefore, require state or local approval for any alteration of a wetland. The program is administered by the Department of Commerce, Office of Coastal Zone Management.

### **9. Endangered Species Act.**

Under this act, states, local governments, and private groups of citizens are all entitled to enforce protection of wetlands (and other areas) that offer unique habitat for endangered and threatened species. The U.S. Fish and Wildlife Service administers the provisions that pertain to inland species, and the National Marine Fisheries Service administers the marine species provisions.

**10. Fish and Wildlife Coordination Act.** Administered by the U.S. Fish and Wildlife Service, this act requires that federal agencies give wildlife conservation "equal consideration . . . with other features of water-resource development programs." Therefore, all water-related federal projects (such as the construction of dams) must be reviewed by the U.S. Fish and Wildlife Service and or the National Marine Fisheries Service, as well as by the state agency in charge of wildlife management. These agencies review the project's potential impact on fish and wildlife. If impact is significant, reviewing agencies can modify or deny permits.



# Regulation Rummy Cards

Follow the directions to make Rummy cards.

## Instructions for Making Regulation Rummy Cards

Mark a large pack of 3 x 5-inch index cards as follows (Note: Use a laser printer or photocopier to save time.):

# 1.

**Scenario Cards:** Write the word **Scenario** in bold letters on the back of 32 cards. Write a different scenario, from the list below, on the front of each card.

Building a boat ramp on the bank of a river.

Building a U.S. Environmental Protection Agency office adjacent to a wetland.

Use federal funds to build a state highway adjacent to a wetland.

Removal of woody vegetation in a wetland on land that is enrolled in a federal farm program.

Draining wetlands on land that is enrolled in a federal farm program.

Constructing private houses on a tidal wetland.

Building a non-federally funded bridge over a river.

Building a post office on a floodplain.

Constructing an oil platform in a coastal wetland.

Building houses adjacent to wetlands in coastal zone.

Discharging sewage treatment effluent into a wetland.

Discharging heated water from a power plant into tidally-influenced channels that flow through a wetland.

Using federal funds to build a fishing pier next to a least tern and piping plover (endangered/threatened species) nesting site.

Constructing a private home in a freshwater wetland.

Building a motel in a tidal wetland adjacent to a bald eagle nesting tree.

Using federal funds to build a public airport with no wetlands impact in a coastal management zone.

Creating a pond with an impoundment (dam) in a wetland.

Building a private dam on a stream that supports a population of snail darters (an endangered species).

Filling a private created wetland.

Building a fish pond in a wetland.

Filling wetlands with debris.

Building an island in a wetland.

Without using federal funds, building highways through wetlands.

Draining a wetland for agricultural use.

Planting a grain crop.

Pumping irrigation water out of wetlands, with return water not re-entering wetlands.

Mowing cattail vegetation in wetlands.

Creating a pond with an impoundment (dam) in a nonwetland.

Grazing cattle in a wetland.

Creating a wetland from an upland.

Spraying herbicide on a crop.

Filling in a gravel pit immediately after mining activities cease.

# 2.

**Regulation Cards:** Write the word **Regulation** in bold letters on the back of 54 cards. Write a different regulation from the list below on the front of the number of cards indicated in parentheses.

Rivers and Harbor Act, Sections 9 and 10 (4)

Coastal Zone Management Act (4)

Sections 401 and 402 of the Clean Water Act (5)

National Environmental Policy Act (4)

Clean Water Act, Section 404 (12)

Endangered Species Act (3)

Executive Order 11988 (Floodplain Protection) (3)

Food Securities Act of 1985, "Swampbuster" provisions (5)

Executive Order 11990: (Protection of Wetlands) (2)

Fish and Wildlife Coordination Act (3)

No Regulation (9)

### 3.

**Clue Cards:** Write the word **Clue** in bold letters on the back of 30 cards. Put a different clue from the list below on the front of each. Be sure to include the name of the regulation and the clue itself. Make three cards for each clue and shuffle.

**Rivers and Harbor Act, Sections 9 and 10:**

Don't dump solids or construct anything into navigable waters and adjacent wetlands, or you'll be in trouble!

**Clean Water Act, Sections 401 and 402:**

Could this activity degrade the water quality of the state? You must get a Water Quality Certification (Section 401); if it will discharge non-solid pollutants from a point source (such as a pipe, well, or ditch) into navigable waters, better get a CWA Section 402 discharge permit.

**Coastal Zone Management Act:**

Are you out of compliance with the state coastal zoning regulations? Better get approval!

**National Environmental Policy Act:**

Start writing that environmental impact statement if the project is a major federal action significantly affecting the quality of the environment.

**Clean Water Act, Section 404:**

Simply said, if you're dredging or filling in wetlands, get a Clean Water Act, Section 404 permit from the U.S. Army Corps of Engineers.

**Endangered Species Act:**

Are you muddling up unique habitat for endangered and threatened species? You'd better visit the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

**Executive Order 11988 (Floodplain Protection):**

Protect those floodplains! A federal project constructed on floodplains must get special review.

**Food Securities Act of 1985 ("Swampbuster" provisions):**

Converting a wetland to a farm field? Go see the Natural Resource Conservation Service!

**Executive Order 11990: (Protection of Wetlands):**

Federal agencies are required to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands on federal lands.

**Fish and Wildlife Coordination Act:**

If you are requesting a permit to impact wetlands, the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, as well as the state agency in charge of wildlife management must review your application.

### 4.

**Violation Cards:** Mark the back of 34 index cards with the word **Violation**.



# Regulation Rummy Answer Key

## Regulation Rummy Scenario Answer Sheet

- Building a boat ramp. *Rivers and Harbors Act; CWA, Section 404; CWA, Section 401*
- Building a U.S. Environmental Protection Agency office adjacent to a wetland. *National Environmental Policy Act; Executive Order 11990; Executive Order 11988; Endangered Species Act; Fish and Wildlife Coordination Act*
- Using federal funds to build a state highway adjacent to a wetland. *National Environmental Policy Act; Executive Order 11990; Executive Order 11988; Endangered Species Act; Fish and Wildlife Coordination Act*
- Removal of woody vegetation in a wetland on land that is enrolled in a federal farm program land. *Food Securities Act ("Swampbuster")*
- Draining wetlands on land that is enrolled in a federal farm program. *Food Securities Act ("Swampbuster")*
- Constructing private houses on a tidal wetland. *Section 404 (key); Section 401; Coastal Zone Management Act; Rivers and Harbors Act; Fish and Wildlife Coordination Act*
- Building a non-federally funded bridge over a river. *River and Harbor Act; Section 404; Fish and Wildlife Coordination Act*
- Building a post office in a floodplain. *Executive Order 11988 (Floodplain Protection); National Environmental Policy Act; Fish and Wildlife Coordination Act*
- Constructing an oil platform in a coastal wetland. *Coastal Zone Management Act; Rivers and Harbors Act; Clean Water Act, Section 401; Clean Water Act, Section 404; Fish and Wildlife Coordination Act*
- Building houses adjacent to wetlands in coastal zone. *Coastal Zone Management Act*
- Discharging of sewage treatment effluent onto a wetland. *Clean Water Act, Section 401; Section 402; Clean Water Act, Section 404; Rivers and Harbors Act if wetland tidal or adjacent to navigable waters*
- Discharging heated water from a power plant into tidally-influenced channels that flow through a wetland. *Clean Water Act, Section 401; Clean Water Act, Section 402*
- Using federal funds to build a fishing pier next to a least tern and piping plover nesting site. *Rivers and Harbors Act; Endangered Species Act; Executive Order 11988; Executive Order 11990 (Floodplain Protection); Section 401, Section 404; Rivers and Harbors Act*
- Constructing a private home in an isolated freshwater wetland. *Fish and Wildlife Coordination Act; Clean Water Act, Section 404; Clean Water Act, Section 401*
- Building a motel in a tidal wetland adjacent to a bald eagle nest tree. *Endangered Species Act; Clean Water Act, Section 401; Clean Water Act, Section 404; Rivers and Harbors Act; Fish and Wildlife Coordination Act*
- Using federal funds to build a public airport with no impact to wetlands in a coastal management zone. *Clean Water Act, Section 401; National Environmental Policy Act; Executive Order 11988; Coastal Zone Management Act; Fish and Wildlife Coordination Act*
- Creating a pond with an impoundment (dam) in a wetland. *Clean Water Act, Section 401; Clean Water Act, Section 404*
- Building a private dam on a stream that supports a population of snail darters. *Clean Water Act, Section 401, Clean Water Act, Section 404; Endangered Species Act; Fish and Wildlife Coordination Act; Rivers and Harbors Act*
- Filling a private created wetland. *Clean Water Act, Section 401; Clean Water Act, Section 404*
- Building a fish pond in a wetland. *Clean Water Act, Section 401; Clean Water Act, Section 404; Fish and Wildlife Coordination Act*
- Filling wetlands with debris. *Clean Water Act, Section 401; Clean Water Act, Section 404; Fish and Wildlife Coordination Act*
- Building an island in a wetland. *Clean Water Act, Section 401; Clean Water Act, Section 404; Fish and Wildlife Coordination Act*
- Without using federal funds, building highways through wetlands. *Clean Water Act, Section 401; Clean Water Act, Section 404; Fish and Wildlife Coordination Act*
- Draining a wetland for agricultural use. *Food Securities Act ("Swampbuster")*
- Planting a grain crop. *No regulation*
- Pumping irrigation water out of wetlands, with return water not re-entering wetlands. *No regulation*
- Mowing cattail vegetation in wetlands. *No regulation*
- Creating a pond with an impoundment (dam) in a nonwetland area. *No regulation*
- Grazing cattle in a wetland. *No regulation*
- Creating a wetland from an upland. *No regulation*
- Spraying herbicide on a crop. *No regulation*
- Filling in a gravel pit immediately after mining activities cease. *No regulation*